

EXHIBIT I

B. QUESTIONS PRESENTED:

Whether Matrix Trust Company's actions or inactions were customary and reasonable in its custodial capacity and failure to potentially detect the fraudulent activities of the Richies.

C. METHODOLOGY:

As a part of my investigation of the referenced accident, I have referenced the following documents or tangible things:

1. Trustee's Third Amended Complaint filed May 19, 2021.
2. Memorandum Opinion and Order on Matrix Defendants' Motion to Dismiss: (A) Denying it as to Counts 1-3 & 6-7; (B) Granting it as to Count 4 (With Consent of Plaintiff): And (C) Granting Plaintiff 14 days' Leave to Amend as to Counts 8-10. filed May 5, 2021.
3. Caldwell and Partners, Inc. et al v. Matrix Trust Company Stipulations of Facts and Chronology.
4. Deposition transcript of Diane Hicks from July 16, 2019.
5. Deposition transcript of Diane Hicks from August 31, 2021.
6. Deposition transcript of Will Beutelschies from July 15, 2019.
7. Deposition transcript of Will Beutelschies from August 20, 2021.
8. Deposition transcript of Eric Schmitt from July 16, 2019.
9. Deposition transcript of Eric Schmitt from August 18, 2021.
10. Deposition transcript of Mary Mohr from September 22, 2021.
11. American Arbitration Association in the matter of Midlands Management v Matrix Trust Company hearing transcripts from August 5, 2019, August 6, 2019 and August 16, 2019.
12. Annual Custodial Financial Statements as of December 31, 2014; December 31, 2015; December 31, 2016; and October 27, 2017.
13. Documents provided by Counsel labeled Bates Nos. MTC_CALDWELL_004113-014, 004131-32, 004181-82, 005431-37, 005285-97, 005298-5203, 005375-70, 005728-39, 005956-64, 005444-49, 005277-84, 007330 -32, and 007338-40.
14. Documents provided by Counsel labeled Bates Nos. MATRIX_MBA_004330-35, 4471-4502, 00000011, 0000027-35, 00000040-47, 00000111-113, 0000260-63, 0004670, 0004676, 0006199, 0007451, 0007517, 0007562, and 0010578-680.
15. Native format Excel file named: A – MBA Disbursement Report – Sorted.
16. Native format Excel file named: C – All Other Victims Disbursement Report – Sorted and Highlighted.
17. PDF file named: F – Caldwell Custodial Account Agreement. TRUSTEE'S APPX 035 Case 20-03055-sgj Doc 213-3 Filed 05/02/24 Entered 05/02/24 18:19:54 Desc Exhibit Exhibit E Page 25 of 26
18. MBA financial statement provided by Vantage for the periods October 1, 2015 through December 31, 2015, and April 1, 2016 through June 30, 2016.
19. Demographic, historical and financial information on Matrix Trust Company available at <https://www.ffiec.gov/NPW>.

D. DEFINITIONS:

1. "Plan Victims" refers to employee benefit plans from which the Richie's illegally transferred funds to their bank accounts.
2. "MTC" refers to Matrix Trust Company, which administered the custodial accounts that held the employee benefit plans.
3. "CAAs" means custodial account agreements.
4. "Vantage" refers to Vantage Benefits Administrators, Inc.
5. "TPA" means third-party administrator.
6. "CFS" refers to Custodial Financial Statements.

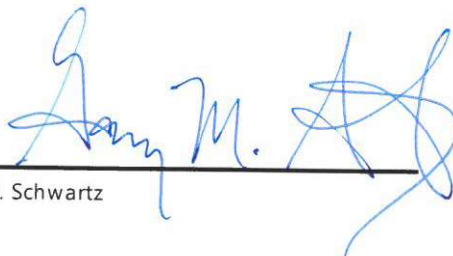
E. CONCLUSIONS AND OPINIONS

Based upon the information available and reviewed, it is my opinion that:

1. Based on my experience in the banking and trust industries the Plan Victims were customers of MTC.
2. MTC did not comply with customary standards and practices in the banking industry in its failure to secure executed CAAs for all Plan Victims. It is very concerning that such a key document as a CAA in defining the contractual relationship among the custodian, plan, and TPA would be missing for so many accounts, while MTC continued executing trades and processing distributions.
3. In my opinion, MTC's actions and inactions in processing transactions and disbursements without having secured all required agreements is contrary to reasonable and customary practices in the banking industry and is improper.
4. MTC did not comply with customary standards and practices in the banking industry when they failed to establish sufficient internal controls, including exception reports and reviews of irregular or unusual transactions. Two high level MTC executives agreed that the nature of the transactions initiated by Vantage were unusual/uncommon, and yet there was no testimony nor internal control procedures that would flag such transactions for review.
5. Having a highly automated system does not relieve the institution from its duties of exercising ordinary care in implementing sufficient processes and internal controls to reasonably protect the assets of its customers.
6. MTC did not comply with customary standards and practices in the banking industry in allowing the Richie's to "toggle off" required IRS Form 1099 reporting without proper controls.
7. MTC did not comply with customary standards and practices in the banking industry when they failed to incorporate such controls as automatically sending or otherwise notifying or making available quarterly and/or annual CFS to the Plan Victims.
8. I reviewed the CFS and tied the illegal disbursements to the previously referenced Excel spreadsheet named: A – MBA Disbursement Report – Sorted. The Richie's created falsified financial statements that were in turn provided to Plan Victims, but MTC did not provide statements to the Plan Victims which would have revealed the unauthorized and illegal distributions.
9. Such bad acts are not an uncommon occurrence and as such custodians are expected to implement all reasonable controls to lessen the risk of fraud.

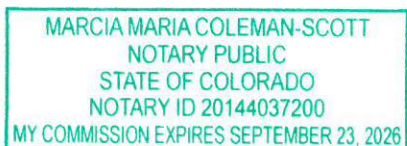
10. It is reasonable to think that the Plan Victims would have identified the discrepancies at an earlier date had MTC simply provided plans with quarterly CFS, or any of the other items discussed elsewhere in this report.
11. For more details, please see my attached report.

FURTHER AFFIANT SAYETH NOT.

X 

Gary M. Schwartz

Subscribed and sworn to before me, the undersigned authority on this 5th day of June, 2024





Notary Public, in and for the state of Colorado
County of Denver

My commission expires: September 23, 2026



Forensic Accounting Fraud Investigations Economic Damages Business Valuations Bank Consulting Receiverships Data Analytics

January 14, 2022

Justin N. Bryan, Esq.
McCathern, Shokouhi, Evans, Grinke
3710 Rawlins Street, Ste 1600
Dallas, Texas 75219

Jerry Alexander, Esq.
Passman & Jones
1201 Elm Street, Ste 2500
Dallas, Texas 75270

Re: **JEFFREY MIMS, as Chapter 7 Bankruptcy Trustee of Vantage Benefits Administrators, Inc., v. MATRIX TRUST COMPANY, et al.**, United States Bankruptcy Court for the Northern District of Texas, Dallas Division, Case No. 18-3135-sgj7, Adversary Case No.20-03055, Civ. Action #3:20-CV-01345-G

Dear Messrs. Bryan & Alexander:

Pursuant to your request, and on behalf of your client, Jeffrey Mims, as Bankruptcy Trustee of Vantage Benefits Administrators, Inc., ("Mims" or "Trustee"). We are submitting this Report in connection with the above referenced matter.

NATURE OF ENGAGEMENT

This engagement has been conducted in accordance with the Statement on Standards for Consulting Services promulgated by the American Institute of Certified Public Accountants and, as such, constitutes a transactional service. Accordingly, this engagement does not constitute any type of attestation service including, but not limited to, an audit, review or the application of agreed-upon procedures, nor does it constitute a compilation. In addition, this engagement is based on our oral understanding of the nature, scope and limitations of services to be provided. This report is intended solely for the information and use by you and your clients.

COMPENSATION AND QUALIFICATIONS

Betzer Call Lausten & Schwartz LLP is a forensic accounting and consulting firm in Denver, Colorado. We are being compensated for this engagement at our standard hourly rates, which currently range from \$50 to \$400, plus normal reimbursable expenses. The current hourly rate for Gary M. Schwartz is \$400. Our compensation is not contingent on our findings or on the outcome of this matter. A copy of the current CV for Mr. Schwartz is attached at Exhibit A.

FACTS OR DATA CONSIDERED

A list of facts or data considered in the preparation of this report is presented at Exhibit B, attached hereto.

BACKGROUND

This matter arises from a series of fraudulent transactions totaling approximately \$15 million perpetrated by two employees of Vantage Benefits Administrators, Inc. ("Vantage"), a third-party administrator ("TPA"), Jeffrey A. Richie and Wendy K. Richie ("the Richies"). Over a period of time, beginning as early as 2014, the Richies illegally transferred funds from various employee benefit plans held in custodial accounts administered by Matrix Trust Company ("MTC") to bank accounts controlled by the Richies.

We understand that the fraud was ultimately detected by a whistle-blower within the Vantage organization. In or about 2018, the Richies were indicted, subsequently pleaded guilty, and in 2020 were sentenced to a combined federal prison terms of over 18 years.

On June 4, 2018, Jeffrey Mims was appointed as the Chapter 7 Trustee of the Vantage estate.

MG Trust Company, LLC, ("MGTC") is a Colorado state-chartered non-depository, trust company regulated by the Colorado Division of Banking. As set forth under Section 4-4-105(1) of the Colorado Revised Statutes, a trust company is considered a bank. MGTC operates under the assumed name of MTC. The institution was established on April 28, 2005, and is headquartered in Denver, Colorado. For purposes of this Report, unless specifically noted, MTC shall refer to MGTC.

MTC is a wholly owned subsidiary of Matrix Financial Solutions, Inc., which in turn is a subsidiary of Broadridge Financial Solutions., Inc., a publicly traded global financial services provider.

Matrix Settlement and Clearance Services, LLC (“MSCS”), is an affiliated company that provides processing services to MTC. As described by MTC Senior Vice President and Trust Officer Will Beutelschiess (“Beutelschiess”), MSCS is an intermediary software company:

“MSCS is a company that owns our proprietary software and interfaced with our clients and it’s the main facilitator of electronic files delivered by our clients and it sits between our trust company and the MSCS and any other investment company, so it acts like a conduit. It takes in files, it sends the files to processors, it receives confirmations back and it declares back to our TPA.”¹

As a TPA, Vantage contracted with its customers/clients to provide various recordkeeping services, transaction processing and reporting for employee retirement benefit plans. According to a United States Bankruptcy Court opinion², Vantage was the TPA for its own employment benefit plan and 21 other victim employee benefit plans (“Plan Victims”). Pursuant to a Services Agreement dated September 27, 2012 (“Services Agreement”),³ Vantage contracted with MTC and MSCS to provide custodial trust services and certain clearing and trading services as defined.

The Richies requested distributions and other transactions through MTC/MSCS purportedly on behalf of the Plan Victims. However, as the documents reviewed show, from on or about April 15, 2014, through October 24, 2017, the Richies, requested 289 unauthorized distributions from the Plan Victims’ custodial account totaling \$14,927,490.68. Unbeknownst to Vantage’s other employees and the Plan Victims, these distributions were wired to an account under control of the Richies, Account No. 325028539597 at Bank of America. The Richies coded the distributions as non-reportable for tax purposes, and as such MTC did not report the transactions to the Plan Victims or the IRS on IRS Forms 1099-R. MTC also did not send account statements reflecting the illegal transactions to the Victim Plans.

¹ MBA v. MTC Arbitration Hearing Transcript, Will Beutelschiess testimony 80-81: 21-25 and 1-5, August 5, 2019.

² Memorandum Opinion and Order on Defendants Motion to Dismiss filed May 5, 2021, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division CASE NO. 18-31351-SGJ-7. – Page 8.

³ Bates Nos. MATRIX_MBA_0004487-98.

SCOPE OF REVIEW

You have asked us to review applicable documents and opine whether MTC's actions or inactions were customary and reasonable in its custodial capacity and failure to potentially detect the fraudulent activities of the Richies.

ANALYSIS

The services provided by MTC/MSCS to its TPA clients are highly automated through a number of proprietary and third-party software platforms. In his deposition, Beutelschiess outlines the information flow and various platforms:

"Matrix Settlement & Clearance Services was formed in 1999 and is the technology platform. They own the proprietary software Autofund. They developed Bridgenet, which is the middleware between our client and Matrix, and they developed the interface with the NSCC. So MSCS is technically the technology platform/trading platform for the organization."^{4 5}

"Bridgenet is an interface with our client system. We have clients that use various record keeping systems. Vantage uses Relius. Our developers have coded to Relius file app, as they did other vendors such as Schwab SRT and their various record keeping systems that could be used by our clients. And so Bridgenet has an agent that is able to extract files. We format them and send them to Autofund from the record keeping systems. Then it has also other functions for trade entry, **disbursement entry**. They can view cash balance files activity. Generally, just activity that they conduct through the Matrix Autofund platform."⁶

In other words, Bridgenet was developed by MSCS to accept TPA client instructions from a number of different software systems, translate and pass that information along to MSCS' proprietary Autofund program and to Innovest (also referred to as Innotrust), MTC's third-party trust accounting system.

In addition to receiving client instructions from the clients' software programs, such as Relius, the TPA's could enter manual transactions into Bridgenet.⁷ We understand based on documents reviewed and deposition testimony that Wendy Richie utilized the manual entry option within Bridgenet to initiate the

⁴ Beutelschiess Dep. 10: 16-23, July 15, 2019.

⁵ NSCC - National Securities Clearinghouse Corporation.

⁶ Beutelschiess Dep. 45-46: 19-25 & 1-6, July 15, 2019.

⁷ MBA v. MTC Arbitration Hearing Transcript, Will Beutelschiess testimony 98: 10-13, 1-5, August 5, 2019.

illegal disbursements from the Plan. In creating a manual disbursement and entering the various categories of information, such as the plan name, amount, type of distribution, and purpose, Bridgenet also offered the TPA the option to instruct MTC to not report a distribution to the IRS.⁸ This option allowed the manual entry user to violate the IRS reporting requirements and thwart the Plan's ability to receive IRS Forms 1099-R and thereby independently reconcile disbursements initiated by Vantage.

With the high level of flexibility offered through Bridgenet, it is our opinion that MTC would need very strong internal controls and exception reporting to identify and flag any unusual activity. However, in deposition and hearing testimony the MTC witnesses consistently tout the high level of automation, and in the following exchange Beutelschiess responded as follows:

"Q. Is one of the items that they review for payments made for what might not be a legitimate purpose, or appearing to be?

A. **We don't review the underlying activity.** That's all automated.

Q. Help me understand the automated activity reviews. What do you mean?

A. **We don't have an automated activity review.**

Q. When you said, "that's all automated" a moment ago –

A. All the instructions are automated. They are referred from the TPA record keeper, the process. **We don't drill into any of the transactions themselves.** We do not have the source of those transactions."⁹ Emphasis Added

The Richies were able to perpetrate a massive fraud by manually initiating nearly 300 transactions that can only be described as highly unusual – benefit distributions paid to the TPA. Beutelschiess testified that it was unusual for individual participant benefits to be paid to an administrator.¹⁰ MTC Chief Operating Officer Diane Hicks ("Hicks") also found such transactions to be uncommon and that the normal recipient of a participant benefit would be the participant.¹¹ Simply put, two high level MTC executives agreed that the nature of the transactions initiated by Vantage were unusual/uncommon, and yet we saw no testimony nor internal control procedures that would flag such transactions for review.

⁸ Ibid., 102:

⁹ Beutelschiess Dep. 73: 10-25, July 15, 2019.

¹⁰ Beutelschiess Dep. 18: 8-15, July 15, 2019.

¹¹ Hicks Dep. 56-57: 22-25 and 1-7.

It is our opinion that having a highly automated system does not relieve the institution from its duties of exercising ordinary care in implementing sufficient processes and internal controls to reasonably protect the assets of its customers. Section 1.3 of MTC's form Services Agreement defines Customer as:

"Customer means an employer for which Institution has entered into an agreement to provide record keeping services **and MG Trust has entered an agreement** to provide custody and/or valuation services, whether as trustee, custodian, or agent of the trustee or custodian, or agent of the trustee or custodian, subject to the terms of this Agreement."¹² Emphasis Added

The MTC process for obtaining a new plan agreement (as referenced in the preceding quote) is detailed in a Broadridge procedure named Approval of Agreements.¹³ We have reviewed a representative example of a custodial account agreement ("CAA"),¹⁴ and note it is executed by the plan sponsor, the trustee(s), the designated representative, and MTC as custodian.

We understand that no such agreement was executed by a number of the Plan Victims. We reviewed a series of e-mails from MTC Account Representative Eric Schmidt to Wendy Richie and other Vantage representatives noting that a number of custodial agreements for the Plan Victims, were missing. The e-mails were sent on February 11, 2016, August 18, 2016, and August 29, 2016.¹⁵

A list attached to the August 18, 2016, e-mail from Schmidt to Wendy Ritchie and Vantage employee Tarynn Eaton¹⁶ identified 67 customer accounts with missing custodial agreements. When we compared this list to an Excel spreadsheet prepared by Matrix and provided to Counsel¹⁷ detailing losses incurred by Plan Victims, we observed that there were 88 illegal disbursements on eight Plan Victim accounts for which Matrix did not have custodial account agreements. Those illegal disbursements totaled \$4,582,593.55.

In addition to the direct requests to Vantage for the missing agreements, we also reviewed several MTC internal e-mails¹⁸ concerning missing custodial agreements. In one such internal e-mail dated April 18, 2018,¹⁹ it is noted that there were 417 missing agreements.

¹² Bates No. MATRIX_MBA_0004488.

¹³ Bates Nos. MTC_CALDWELL_005285-97.

¹⁴ See Caldwell Ex. F

¹⁵ Bates Nos. Matrix-MBA_0000011, 27-93, and 41-47, respectively.

¹⁶ Bates Nos. MATRIX_MBA_0000027-33.

¹⁷ Exhibit C, All Other Victims Disbursement Report – Sorted and Highlighted.

¹⁸ Bates Nos. Marix_MBA_0004672, 4676, 6199, 7451, 7517, and 7562.

¹⁹ Bates Nos. Matrix_MBA_0007517.

We noted that MTC has a procedure named Incomplete Document Reporting,²⁰ that outlines duties, processes and reporting to ensure that account agreements are received for all open accounts. While the document provides detailed steps on monitoring, following up and reporting, we did not see any guidance as to actions that would be taken if the TPA and/or plan fail to respond and/or provide executed agreements, as appeared to be the case for the Plan Victims. In our experience in banking and the financial services industry, it is typical and expected for the entity to stop the process and/or the provision of services until all agreed upon documents are in place. As an example, it would be highly irregular for a bank to honor a check or other payment request when the bank did not have an account agreement or signature card authorizing the check's signature.

We find it very concerning that such a key document as a CAA in defining the contractual relationship among the custodian, plan, and TPA would be missing for so many accounts, while MTC continued executing trades and processing distributions. In our opinion, MTC's actions and inactions in processing disbursements without having secured all required agreements is contrary to reasonable and customary practices, and is improper.

MTC created quarterly Custodial Financial Statements ("CFS") for the Plan Victims. We reviewed these statements and tied the illegal disbursements to the previously referenced Excel spreadsheet named: A – MBA Disbursement Report – Sorted. We understand the Richies created falsified financial statements²¹ that were in turn provided to Plan Victims. MTC did not provide statements to the Plan Victims which would have revealed the unauthorized and illegal distributions.

Beutelschiess testified that MTC provided four main plan level account types; directed trustee, custodian with statements, custodian without statements, and cash agent.²² He further indicated that he would prefer that all plans receive statements²³ but was not involved in setting such an automatic process up within the affiliated group. The MTC representatives further testified that quarterly CFS would be readily provided to any plan that requested them, and it was a simple process to code and send statements to the plan.

We have investigated and/or testified in numerous cases similar in nature to this matter, wherein administrators divert assets from individual and group benefit plans. In fact, we understand that Emily Strunk, a TPA operating through various businesses, embezzled approximately \$2.6 million over a ten-

²⁰ Bates Nos. MTC_CALDWELL_005298-03.

²¹ PDF file named: D – Example Vantage Statements.

²² Beutelschiess Dep. 33: 22-25, July 15, 2019.

²³ MBA v. MTC Arbitration Hearing Transcript, Will Beutelschiess testimony 193: 1-17, August 5, 2019

year period starting in 2005, from her clients' employee pension or retirement funds.²⁴ It is further our understanding that MTC served as the custodian.

Unfortunately, such bad acts are not an uncommon occurrence and as such custodians are expected to implement all reasonable controls to lessen the risk of fraud. In our opinion, it is reasonable to think that the Plan Victims would have identified the discrepancies at an earlier date had MTC simply provided plans with quarterly CFS, or any of the other items discussed elsewhere in this report.

CONCLUSIONS

Based upon the information available and reviewed, it is our opinion that:

- Based on our experience in the banking and trust industries the Plan Victims were customers of MTC.
- MTC did not comply with customary standards and practices in the banking industry in its failure to secure executed CAAs for all Plan Victims.
- MTC did not comply with customary standards and practices in the banking industry when it processed transactions and purported distributions without securing executed CAAs.
- MTC did not comply with customary standards and practices in the banking industry by failing to establish sufficient internal controls, including exception reports and reviews of irregular or unusual transactions.
- MTC did not comply with customary standards and practices in the banking industry in allowing the Richies to "toggle off" required IRS Form 1099 reporting without proper controls.
- MTC did not comply with customary standards and practices in the banking industry by failing to incorporate such controls as automatically sending or otherwise notifying or making available quarterly and/or annual CFS to the Plan Victims.

²⁴ United States Department of Justice press release dated January 27, 2017, available at: <https://www.justice.gov/usao-co/pr/parker-business-woman-sentenced-employee-benefit-plan-embezzlement>.

We expressly reserve the right to modify the analysis and conclusions presented herein should we undertake further analysis of the information provided to date or if we are provided additional data and other information.

Respectfully,

Gary M. Schwartz, CFE

Gary M. Schwartz, CFE
Betzer Call Lausten & Schwartz LLP
Partner

Enclosures



Forensic Accounting Fraud Investigations Economic Damages Business Valuations Bank Consulting Receiverships Data Analytics

Exhibit A

GARY M. SCHWARTZ
Employment History

Betzer, Call, Lausten & Schwartz, LLP.

(formerly Patten MacPhee & Associates, Inc. and Schwartz Forensic Consulting Group)
Denver, Colorado

6/96 to Present - Managing Partner in a firm specializing in litigation support services including damages and lost profits, financial institution consulting and expert testimony, receiverships, fraud, forensic accounting and business valuations.

Baird, Kurtz & Dobson n/k/a BKD, LLC

Denver, Colorado

9/95 to 5/96 - Consultant in regional accounting firm offering full range of accounting, tax and consulting services.

United States Treasury Department, Office of the Comptroller of the Currency ("OCC"),
Administrator of National Banks

Denver, Colorado

4/84 to 9/95 - National Bank Examiner.

H.C. Copeland & Associates

Denver, Colorado

5/83 to 4/84 - Sales Associate responsible for the sales and service of tax-deferred retirement investments.

Educational Background

B.S., Finance, 1983, University of Colorado

Certified Fraud Examiner, 1997, member of the Association of Certified Fraud Examiners

Attended various regulatory, accounting, credit, & banking seminars and courses sponsored by the Office of the Comptroller of the Currency. Developed and instructed both the OCC's National Credit School and the Post-Commissioned Credit School.

Course Instruction & Seminar Speaking Engagements

2018-2019	-	Affiliate Professor, Graduate School of Accounting, Metropolitan State University of Denver
May, 2019	-	Council of Petroleum Accountants Societies, Inc. ("COPAS"), Colorado Education Day, "Oil & Gas Case Studies"
May, 2018	-	Council of Petroleum Accountants Societies, Inc. ("COPAS"), Colorado Education Day, "Forensic Accountants, What Do We Do?"
April, 2018	-	2018 Colorado Economic Crime Symposium, Benefits of Forensic Accounting
Various 2017	-	Fraud Awareness - Masters Accounting Program, Metropolitan State College, Professor Douglas Laufer
Various 2017	-	Legal Elements of Fraud - Metropolitan State College, Masters Accounting Program, Instructor: Sheri Betzer
Various 2017	-	Fraud Case Study - Colorado State University, Professor Laurence Johnson.
Various 2016	-	Fraud Awareness - Masters Accounting Program, Metropolitan State College, Professor Douglas Laufer
Various 2016	-	Legal Elements of Fraud - Metropolitan State College, Masters Accounting Program, Instructor: Sheri Betzer
October, 2015	-	9th Annual Colorado ADR Conference, Denver, CO - The Effective Use of Experts in Mediation and Arbitration
November, 2014	-	Legal Elements of Fraud - Metropolitan State College, Masters Accounting Program, Instructor: Sheri Betzer

- October, 2014 - Fraud Awareness - Masters Accounting Program, Metropolitan State College, Professor Douglas Laufer.
- September, 2014 - Fraud Case Study - Colorado State University, Professor Laurence Johnson.
- April, 2014 - Fraud Case Study - Colorado State University, Professor Laurence Johnson.
- November, 2013 - Legal Elements of Fraud ACC5650 - Metropolitan State College, Masters Accounting Program, Instructor: Sheri Betzer
- September 2013 - Fraud Case Study - Colorado State University, Professor Laurence Johnson.
- February, 2013 - Fraud Case Study - Colorado State University, Professor Laurence Johnson.
- December, 2012 - Regis University, College for Professional Studies, Graduate School of Management, Forensic Accounting and Economic Damages.
- March, 2012 - Fraud Case Study - Colorado State University, Professor Laurence Johnson.
- October, 2011 - Financial Executives International (FEI), Colorado Chapter, Fraud and Bank Fraud
- October, 2011 - Attorney's Title Guaranty Fund, 9th Annual Network Knowledge Assembly, Fraud and Mortgage Fraud
- January, 2011 - Colorado Bankers Association Special Event Regulatory - Options: Practical Advice for the Future
- April, 2010 - Colorado Bankers Association Fraud Prevention Summit

Receiverships and Trusteeships - Gary Schwartz

Mark Ray, et al.	-	Appointed Receiver, September 30, 2019 by the Acting Securities Commissioner for the State of Colorado
In Re the Marriage of Eileen Starnes And Norbert Klebl	-	Appointed Receiver, August 16, 2019, District Court, Boulder County
Integrity Applied Science, Inc.	-	Appointed Receiver, May, 2018
Dick Family Trust 2	-	Appointed Trustee, April, 2018
Buffalo Resources, LLC	-	Member, Special Litigation Committee, District Court, Morgan County, July 2017
Neiss Trusts	-	Appointed Co-Trustee, April, 2017
Wray State Bank	-	Appointed as Receiver by District Court, Yuma County, April 2017
The Riviera Apartments	-	Appointed as Receiver by District Court, Adams County, February 2017
Excertus, Inc. and APEXBOS, Inc.	-	Appointed as "Independent Auditor" by District Court, Weld County, July, 2016
Platte Restaurant Equipment	-	Appointed as Receiver by District Court, Adams County, July, 2013
Hollowbrook Capital Group, LLC	-	Appointed as Receiver by District Court, El Paso County, November, 2010
Chorus Line, Inc. d/b/a Saturdays	-	Appointed Receiver by Denver District Court, February, 2010
Welend Associated Group, LLC	-	Appointed Receiver by Denver District Court, November, 2008

Receiverships and Trusteeships – PMA/SFCG/BCLS

In Play Golf Memberships, LLC	-	Appointed as Financial Monitor by various parties, May, 2015 (Schwartz)
Compass Capital Group	-	Appointed as Receiver by the District Court, El Paso County, August, 2011(Schwartz)
DRM Partners, LLC	-	Appointed as Receiver by the District Court, El Paso County, April, 2010 (Schwartz)
Inca 29, LLC	-	Appointed as Receiver by the District Court, Denver County, April, 2010 (Schwartz)
Blake 27, LLC	-	Appointed as Receiver by the District Court, Denver County, April, 2010 (Schwartz)
Chorus Line, LLC d/b/a Saturdays	-	Appointed as Receiver by the District Court, Denver County, March, 2010 (Schwartz)
American Intercapital Holding, LLC d/b/a American Intercapital Depository & Trust	-	Agent for Receiver, November, 2007 (Schwartz & Patten)
Debt Set & Resolve Credit Counseling	-	Appointed as Receiver, March, 2007 (Burns)
L.T.D. Window & Door Inc. Asset Trust	-	Firm appointed as Trustee, September, 1995 to liquidate window and door business.
Alpex Computer Corporation	-	Appointed as successor Liquidating Trustee, March, 1991 (Patten)
Hillside Care Center	-	Appointed as Receiver, March, 1994 (Patten)
Antonoff / Miller Properties	-	Proposed as Receiver, July, 1994 (Parties settled) (Patten)

L.T.D. Window & Door Inc. Asset Trust	-	Appointed as Trustee, September, 1995 (Patten, Schwartz)
RR-Solutions, LLC	-	Appointed as Receiver, December, 2003 (Patten, Burns)
Lakeside Ventures, LLC	-	Chapter 11 Examiner, United States Bankruptcy Court for the District of Colorado, 2003 (Schwartz)
SEC v. Kelsey Garmen et al.	-	Receiver, United States District Court for the District of Colorado, 2004 (Anderson)
Whitfield v. the Board of County Commissioners of Eagle County	-	Special Master, United States District Court for the District of Colorado, 2004 (Burns)
Security Service Credit Union, successor in interest to, Diakonia Credit Union v. Frederick Puster	-	Special Master, District Court, Adams County, 2004 (Schwartz)
Securities and Exchange Commission v. Kenneth Roy Weare, a/k/a Roy Weaver, J & K Global Marketing Corp., and AAA-Auction.Com, Inc.	-	Receiver, United States District Court. District Of Colorado, 2005 (Patten, Burns)
Front Range Bank v. Synergy Manufacturing Technology, Inc. et al	-	Receiver, District Court, Jefferson County, 2006 (Schwartz)
Federal Trade Commission v. Debt-Set Inc. and Resolve Credit Counseling, Inc.	-	Receiver, United States District Court, District of Colorado, 2007 (Burns)

Directorships/Board Memberships

President - Colorado Chapter of the Association of Certified Fraud Examiners

Advisory Director - BBVA Compass Bank

Member - International Association of Financial Crimes Investigators

Founding Board Member and Treasurer - Lowry Swim Club, LLC

Board Member – Yield Solutions Group

Bank Consultations

Have performed loan reviews, due diligence reviews, organizational reviews, and general bank consulting engagements for numerous banks ranging in size from less than \$15 million to over \$3.0 billion.

Valuations

Have performed and/or been involved with numerous valuations, including banks, manufacturers, retailers, wholesalers and service companies.

Rev. 7/2020

Gary Schwartz
CV - As of September 21, 2021

Exhibit A

YEAR	CASE DESCRIPTION / CAPTION	JURISDICTION	SUBJECT	PLAINTIFF LAW FIRM / LAWYER	DEFENDANT LAW FIRM / LAWYER	CLIENT	REPORT	DEPOSITION TESTIMONY	TRIAL TESTIMONY
2021	RE: FDIC Investigation of Former CEO		Banking Standards and Practices, Regulatory Issues		Williams & Connolly, LLP, Ryan Scarborough	Defendant	Y		
2021	MBA ENGINEERING, INC., as Sponsor and Administrator of the MBA ENGINEERING, INC. EMPLOYEES 401(K) PLAN and the MBA ENGINEERING, INC. CASH BALANCE PLAN, and CRAIG MEIDINGER, as Trustee of the MBA Engineering, Inc. Employees 401(k) Plan and the MBA Engineering, Inc. Cash Balance Plan, Individually and as representative of all others similarly situated, v. VANTAGE BEBIFITS ADMINISTRATORS, INC., JEFFREY A. RICHIE, WENDY K. RITCHIE, and MATRIX TRUST COMPANY, United States District Court for the Northern District of Texas, Dallas Division, Case No. 3:17-cv-03300-X (N.D. Tex)	Unites State District Court for the Northern District of Texas, Dallas Division	Fraud, Banking standards and practices		Morgan, Lewis & Bockius LLP	Plaintiff	Y	Y	
2021	KAMERON LEWIS, and MATTHEW PLOWMAN v. Defendant: CHANCEY ENTERPRISES, INC.	District Court, City and County of Denver	Damages	Baird Quinn, LLC		Plaintiff	Y		
2021	Investigation at a State Chartered Bank	Colorado	Fraud, Banking standards and practices			Bank	Y		
2021	Debtor: Westpac Restoration, Inc.	United States Bankruptcy Court, District of Colorado	Forensic accounting	Spencer Fane		Debtor	Y		
2021	Estate of Dorothy Orland		Forensic Accounting			Estate	Y		
2021	EPIC SPORTS MARKETING, LLC, an Arizona limited liability company v. ANB BANK, a Colorado state-chartered bank	Judicial Arbitrator Group	Banking standards and practices, damages, fraud		Waas Campbell Rivera Johnson & Velasquez, LLP	Defendant	Y		Y
2021	NICK LEPETSOS V. FIRST AMERICAN STATE BANK, FIRST AMERICAN BANCORP et al.	District Court, Arapahoe County	Banking standards and practices, damages, fraud		Stephen Shapiro	Defendant	Y		
2021	REM BOULDER PROPERTIES, LLC, A Colorado Limited Liability Company v. KDM BOULDER PROPERTIES, LLC, A Colorado Limited Liability Company, GLM BOULDER PROPERTIES, LLC, A Colorado Limited Liability Company, SCM BOULDER PROPERTIES, LLC, A Colorado Limited Liability Company	District Court, City and County of Boulder	Financial Analysis, Forensic Accounting, Damages	Moye White / Paul Franke		Plaintiff	Y		Y
2021	In Re: Hiren Patel, No. AA-EC-2018-89, US Treasury, OCC	Administrative Law Judge	Banking Standards and Practices, Regulatory Review		Katten & Temple / Nancy Temple	Defendant	Y	Y	
2021	BREATH DENTAL, LLC v. RALSTON CREEK VILLAGE, LLC	District Court, County of Jefferson, State of Colorado	Damages		Sweetbaum Sands Anderson PC	Defendant	Y		Y
2021	CENTAZO, LLC, a Colorado limited liability company, d/b/a MODERN TENDER, v. EVOLVE BANK & TRUST, an Arkansas business trust, a/k/a EVOLVE TRUST SERVICES.	District Court, City and County of Denver	Forensic Accounting, Banking Issues	Butler Snow LLP		Defendant	Y	Y	
2021	Valuation of Wyoming Bank in Divorce Matter						Y		
2021	Academy Station Limited Liability Company v. Vanguard Church	District Court, El Paso County, Colorado	Forensic accounting, damages		Lewis Roca Rothgerber Christie	Defendant	Y		
2020	Criminal Investigation	US District Court	Forensic analysis		Richilano Shea	Defendant	Y		
2020	PRODUCTIVE INVESTMENTS, LLC, a Colorado limited liability company, v. PATRICK JOHNSON, an individual; and URBAN HEALTH & WELLNESS, INC., a Colorado Corporation.	District Court, City and County of Denver	Financial and Forensic analysis, damages	Ireland Stapleton Pryor & Pascoe, PC		Plaintiff	Y		
2020	KATHERINE GOLD, an individual; PARKER NATHAN SEMLER IRREVOCABLE TRUST; ZACK NEUMEYER, as Trustee of the Parker Nathan Semler Irrevocable Trust; ELLEN ROBINSON, as Trustee of the Parker Nathan Semler Irrevocable Trust v. 40th STREET PARTNERSHIP, LLC, a Colorado limited liability company; WILLIAM GOLD, III, an individual	District Court, City and County of Denver	Financial Analysis, damages		Sweetbaum & Sands	Defendant	Y	Y	
2020	Claimant Epic Sports Marketing, LLC, an Arizona limited liability company Claimant, v. Respondent ANB Bank, a Colorado state-chartered bank	Judicial Arbitrator Group	Banking Issues, Fraud		WAAS CAMPBELL RIVERA JOHNSON & VELASQUEZ LLP	Defendant / Respondent	Y		Y
2020	JOSEPH PAUL BROPHY, JR. and DONALD REA BROPHY in their capacity as Co-Personal Representatives of the ESTATE OF VEDA "PAT" BROPHY v. JOSEPH A. MORRIS, BOND & MORRIS, P.C., and LARRY WHITE	District Court, City and County of Denver	Forensic Accounting and Financial Analysis		Gordon & Rees	Defendant	Y		
2020	PATRICIA ANN PISANI v. LARRY ALLEN PARTRIK	District Court, Dpouglas County	Financial and Forensic analysis, damages	GSL Trial Lawyers		Plaintiff	Y		
2020	Farm Plus Financial		Financial Analysis, Banking Issues	Snell & Wilmer, Denver, CO			Y		

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2020	CURT LEROSSIGNOL, individually and derivatively on behalf of VIADUCT FARMS, LLC; DANE WILKERSON, individually and derivatively on behalf of VIADUCT FARMS, LLC; KIMBERLY A. WILKERSON, individually and derivatively on behalf of VIADUCT FARMS, LLC v. KENNETH J. WOLF; NORTH OF THE BORDER, L.L.C.; STEVEN P. MEIER; MACMEIER, LLC; and VIADUCT FARMS, LLC.	District Court, City and County of Denver	Financial Analysis, damages	Dill Dill Carr Stonbraker & Hutchings, John Hutchings, Esq.		Plaintiff	Y	Y	
2020	NEEL B. PATEL and BHARAT M. PATEL v. CHIRAG K. PATEL; PAGOSA LODGING LLC; PAGOS LODGING 2 LLC; and SNOWMOBILE TOURS, LLC	District Court, Archuleta County	Forensic Accounting, damages		Cunningham Swaim, LLP	Defendant	Y		
2020	Colorado Marijuana Company		Forensic Accounting, Financial Analysis, Damages				Y		
2020	<u>THOMAS READ MATTSON, and SANDSTONE VENTURES, LLC, a Colorado Limited Liability Company, as Owners/Members v. CROCODILE DISTRIBUTING, LLC, a Colorado Limited Liability Company, d/b/a Crocodile Distribution, JOEL A. DAVID, individually, and GEORGE B. BOEDECKER, JR., individually</u>	District Court, Boulder County, Colorado	Financial analysis, damages, forensic accounting	Holland & Hart		Plaintiff	Y	Y	
2020	<u>PEOPLE OF THE STATE OF COLORADO v. Austin V. Ray</u>	District Court, Jefferson County	Financial analysis, banking						
2020	An Institution of Higher Education		Forensic review, financial analysis, policy review				Y		
2020	An Institution of Higher Education		Forensic review				Y		
2020	<u>RICHARD BRANDT GREEN, M.D., an individual, v. U.S. ANESTHESIA PARTNERS OF COLORADO, INC., f/k/a GREATER COLORADO ANESTHESIA, P.C., a Colorado corporation, and U.S. ANESTHESIA PARTNERS, INC., a Delaware Corporation</u>	United States District Court, District of Colorado	Financial Analysis, Damages	Jennifer L. Gokenbach & Stephen Rotter		Plaintiff	Y		
2020	State of Colorado		Policy & Procedure analysis				Y		
2020	<u>SRK PROPERTIES LLC, a Colorado limited liability company, et al. v. STEVE STOCK & ASSOCIATES INC., a Colorado Corporation, et al.</u>	JAG	Financial analysis, forensic accounting		Miller Riggs	Defendant	Y		
2020	Re: Marriage of Maria V. Borresen and Thor Borresen		Forensic Accounting	Miller & Associates		Thor	Y		
2020	ARRABELLE AT VAIL SQUARE RESIDENTIAL CONDOMINIUM ASSOCIATION, INC., Claimant/Counterclaim Respondent, v. ARRABELLE SHARED FACILITIES ASSOCIATION, INC. , Respondent/Counterclaim Claimant.	JAMS		Lewis Roca Rothgerber Christie, LLP		Defendant	Y		
2019	Josephine Battaglia, Bianca J. Battaglia, Marina Battaglia, Claudia Battaglia, Gabriella R. Battaglia, and Victoria A. Battaglia, directly and derivatively on behalf of 85-42 Woodhaven Blvd Family Limited Partnership, 87-07 158th Ave Family Limited Partnership, 88-01 Dittmas Ave Family Limited Partnership, 95-16 87th St Family Limited Partnership, 95-18 87th St Family Limited Partnership, 100-02 Atlantic Ave Family Limited Partnership, 104-11 101st St Family Limited Partnership, 153 East 33rd St Family Limited Partnership, 98-31 Linden Boulevard Family Limited Partnership (f/k/a 157-19 84th St Family Limited Partnership), 158-31 90th St Family Limited Partnership, 85th Street Family Limited Partnership, 78th St Land Family Limited Partnership, JB Vehicles Family Limited Partnership, JB Investments Family Limited Partnership, and 157-52 88th St Family Limited Partnership, v. Alfredo G. Battaglia, Defendant, and 85-42 Woodhaven Blvd Family Limited Partnership, 87-07 158th Ave Family Limited Partnership, 88-01 Dittmas Ave Family Limited Partnership, 95-16 87th St Family Limited Partnership, 95-18 87th St Family Limited Partnership, 100-02 Atlantic Ave Family Limited Partnership, 104-11 101st St Family Limited Partnership, 153 East 33rd St Family Limited Partnership, 98-31 Linden Boulevard Family Limited Partnership (f/k/a 157-19 84th St Family Limited Partnership), 158-31 90th St Family Limited Partnership, 85th Street Family Limited Partnership, 78th St Land Family Limited Partnership, JB Vehicles Family Limited Partnership, JB Investments Family Limited Partnership, and 157-52 88th St Family Limited Partnership, Nominal Defendants.	IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT IN AND FOR LARAMIE COUNTY, STATE OF WYOMING	Damages, financial analysis, forensic analysis			Defendant	Y		Y

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2019	DANIEL PATRICK CROGHAN (an individual and assignee of MR. CROGHAN SOLUTIONS) and MR. CROGHAN SOLUTIONS (a Colorado Limited Liability Company registered to do business in the State of Colorado) And Plaintiff-Intervenor: KAY CROGHAN, v. RICHARD RANDALL ROBERTSON (an individual); APEX BACK OFFICE SOLUTIONS, INC. (a Colorado Corporation registered to do business in the State of Colorado formerly known as APEX BACK OFFICE SOFTWARE, INC., formerly known as APEX BACK OFFICE SOFTWARE, LLC., and formerly known as APEX BACK OFFICE SOLUTIONS) EXCERTUS, INC. (a Colorado Corporation registered to do business in the State of Colorado formerly known as EXCERTUS, L.L.C. and formerly known as EXCERTUS)	District Court, Weld County	Damages, financial analysis, forensic analysis			Acted as "Independent Auditor" for Companies	Y	Y	
2019	IN THE MATTER OF FRANK E. SMITH AND MARK A. KIOLBASA, Institution-affiliated parties of FARMERS STATE BANK, Pine Bluffs, Wyoming, a state-member bank	Before The Board Of Governors Of The Federal Reserve System, Washington, D.C.	Removal Proceedings, Banking standards and practices	Federal Reserve Bank Enforcement Counsel		Federal Reserve Bank Enforcement Counsel	Y	Y	
2019	Plaintiff: DICK FAMILY TRUST NO. 1, by and through its trustee, DARRIN STOCK v. Defendants: LAND SECURITIES INVESTORS, LTD, a Colorado Limited Liability Partnership, SUNSET MANAGEMENT SERVICES, INC. a Colorado Corporation, and GARY SCHWARTZ, in his capacity as Trustee of DICK FAMILY TRUST NO. 2, a trust formed and administered in Colorado	District Court, City and County of Denver	Damages, fiduciary issues		Armstrong Teasdale	Dick Family Trust 2			Y
2019	Re: Matthews Alvarez		Damages	Holland & Hart			Y		
2019	PROPER BSD, LLC, a Colorado limited liability company, et al. v. AVI SCHWALB, COLLEGIATE PEAKS BANK, a Colorado corporation, and COMMERCIAL FUNDING, LLC, a Colorado limited liability company, and 1575 GALENA, LLC, a Colorado Limited Liability company.	District Court, Adams County	Damages	Lewis Roca Rothgerber Christie, LLP		Plaintiff	Y		
2019	PRINCIPLE ENERGY, LLC, a Louisiana limited liability company, v. WOLFPAWK ENERGY HOLDINGS, LLC, d/b/a FERRARI ENERGY, a Colorado limited liability company, and CATHERINE J. GUMP	District Court, Weld County	Banking and Lending standards and practices, Damages	Moye White		Defendant	Y		
2019	<u>ZYKRONIX, INC., a Colorado corporation, Plaintiff, v. LOXONE ELECTRONICS GmbH, a limited liability company organized and existing under the laws of the Country of Austria</u>	District Court, City and County of Denver	Damages, financial analysis	Sweetbaum Sands		Plaintiff	Y	Y	Y
2019	Notice of Intent to Prohibit Pursuant to Section 8 of the Federal Deposit Insurance Act, as Amended: FRANK E. SMITH and MARK A. KIOLBASA, Institution-affiliated parties of FARMERS STATE BANK, Pine Bluffs, Wyoming, a state-member bank		Banking Standards and Practices	Board of Governors, Federal Reserve Bank		Board of Governors, Federal Reserve Bank	Y	Y	
2019	JOSEPHINE BATTAGLIA et al. v. ALFREDO BATTAGLIA,	District Court of the First Judicial District in and for Laramie County, State of Wyoming	Financial analysis, forensic accounting		Miller & Associates	Defendant	Y		
2018	CHURCH MUTUAL INSURANCE COMPANY, a Wisconsin corporation, Plaintiff, v. PHILLIP MARSHALL COUTU, an individual, POWER ADJUSTERS, INC., a Colorado corporation, JUDAH LEON BENSUSAN, an individual, and ATLANTIS CLAIMS SERVICES, LLC, a Florida limited liability company, Defendants	United States District Court for the District of Colorado	Forensic Accounting, Fraud Investigation, Damages	Wheeler Trigg O'Donnell LLP		Plaintiff	Y		
2018	Internal Investigation of Oil & Gas Company		Financial Analysis, Fraud Investigation	Wilmer Hale		Oil & Gas Company	Y		
2018	In the Interest of Gloria Stewart	District Court, County of Boulder	Forensic Accounting			Guardian <i>ad Litem</i>	Y		
2018	REZAC LIVESTOCK COMMISSION CO., INC. v. PINNACLE BANK, et.al.	United States District Court for the District of Kansas	Banking Issues, Damages	Bryan Cave, LLP		Plaintiff	Y	Y	
2018	Great Western Life FINRA Arbitrations	FINRA	Forensic Accounting, Fraud Investigation		Neese	Great West Life Insurance and GWFS Equities, Inc.	Y		Y
2018	Black Diamond Well Services, Inc. & Adam P. Adams v. Julianna Savoni Giese; James W. Giese; James W. Giese, PC; Soronen, Donley, Patterson, CPA's PC; and John Does 1-10	District Court, Mesa County, Colorado	Damages, Financial Analysis		Gordon & Rees	Defendant	Y		

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2018	REILLY REED, Plaintiff v. DUSTIN TIXIER, JASON WHISENAND, DIANA TIXIER, ELITE OIL FIELD ENTERPRISES, INC., ELITE OIL FIELD SERVICES, INC., and ELITE OIL FIELD EQUIPMENT, INC., Defendants, And ELEMENT SERVICES, LLC, JHENNA DAWN REED, REEDDESIGN CONCEPTS, LLC, and ROBERT KUBISTEK, Third Party Defendants.	In the District Court for Weld County, State of Colorado	Financial Analysis, Damages	Baird Quinn, LLC		Defendants	Y		
2018	ATLANTIC BUILDING SYSTEMS, LLC (d/b/a ARMSTRONG STEEL CORP v. GREAT WESTERN BUILDING SYSTEMS, LLC; JAN ERIC BEAVERS; TIMOTHY L. DODGE; and KARL P. HATFIELD	District Court, Arapahoe County, Colorado	Financial Analysis, Damages	Wheeler Trigg O'Donnell LLP and Baird Quinn, LLC		Plaintiff	Y		
2018	NMREA AFC 1, LLC, a New Mexico Limited Liability Company, JOHN J. HAMILTON, MARGARET M. HAMILTON, FRED H. HAMILTON, M.D., HAROLD G. FIELD, LINDA ANN SMITH, M.D., JOHN R. LEWINGER, MARTI A. PARTRIDGE, MICHAEL E. PARTRIDGE, ANN F. STULL, JOHN R. RANSOM, JULIA L. RANSOM, MARY JO GRIFFIN, WILLIAM T. ROBERTSON, JOSEPH R. ROMERO, and JOHN U. CHEEK v. THE FIRST NATIONAL BANK OF SANTA FE, and NATIONAL LOAN ACQUISITIONS COMPANY	State of New Mexico, County of Bernalillo, Second Judicial District Court	Banking Standards and Practices, Lending	Atkinson, Baker & Rodriguez, P.C.		Plaintiff	Y	Y	
2018	Jerry Le Jeune and Jo Ann Le Jeune, husband and wife, and the marital community comprised thereof, in their individual and marital capacities and derivatively as shareholders of Tucci & Sons, Inc.; Joshua P. Le Jeune, in his individual capacity and derivatively as a shareholder of Tucci & Sons, Inc.; and Jenna T. LeJeune, in her individual capacity and derivatively as a shareholder of Tucci & Sons, Inc.; Tucci & Sons, Inc., a Washington corporation; Plaintiffs, V. Michael A. Tucci and Mary Jo Tucci, husband and wife, and the marital community comprised thereof, in Michael A. Tucci 's individual and marital capacity and in his capacity as a director of Tucci & Sons, Inc.; Michael F. Tucci and Mimi Tucci, husband and wife, and the marital community comprised thereof, in Michael F. Tucci 's individual and marital capacity and in his capacity as a director and officer of Tucci & Sons, Inc.; Timothy F. Tucci and Barbara Tucci, husband and wife, and the marital community comprised thereof, in Timothy F. Tucci 's individual and marital capacity and in his capacity as a director and officer of Tucci & Sons, Inc.; Kevin A. Kever and Sheri Kever, husband and wife, and the marital community comprised thereof, in his individual and marital capacity and in his capacity as a director and officer of Tucci & Sons, Inc.; Financial Holdings, LLC, a Washington limited liability company; Sasso LLC, a Washington limited liability company; Tucci & Sons, Inc., a Washington corporation; and John Doe entities 1-100, all whose true names are unknown; Defendants.	THE SUPERIOR COURT OF THE STATE OF WASHINGTON	Financial Analysis, Damages		FAIN ANDERSON VANDERHOEF ROSENDAHL O'HALLORAN SPILLANE PLLC, James B. Meade, Esq.	Defendant	Y		
2018	DOLORES MITCHELL, JERRY MITCHELL AND SUSAN TRACY, Plaintiffs vs. US BANK, N.A. AND TESS MALOTTE, Defendants	IN AND FOR THE COUNTY OF PIERCE	Banking Standards and Practices, Damages	Rose Walker		Plaintiff	Y		
2018	CENTURY TRUCKING, INC. v. BETTE DAVIS TOUCHET, GERNAL TODD TOUCHET, THOMAS JEFFREY DAVID AND CITIZENS STATE BANK	District Court of Hardin County, Texas, 88th Judicial District	Forensic Accounting, Banking Standards and Practices, Damages		Andrew Schrader, Esq. - Beard, Kultgen, Brophy, Bostwick & Dickson, PLLC	Defendant Citizens State Bank	Y		
2018	John Paul Borne vs. GWFS Equities, Inc., FINRA DISPUTE RESOLUTION, FINRA No. 17-01252	FINRA	Forensic Accounting, Financial Analysis, Damages	John Paul Borne	Great West Life Insurance and GWFS Equities, Inc.	Great West Life Insurance and GWFS Equities, Inc.	N	N	Y
2017	CENTRAL BANK & TRUST v. FRANK SMITH; MARK KIOLBASA; MICHELLE THOMAS; AND FARMERS STATE BANK	District Court, First Judicial District, State of Wyoming, County of Laramie	Banking Standards and Practices, Damages	Lewis Roca Rothgerber Christie, LLP		Plaintiff	Y	Y	Y

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2017	PLAINTIFF/COUNTERCLAIM DEFENDANT: ADVANTAGE BANK, COUNTERCLAIM DEFENDANTS: ADVANTAGE BANCORP, INC., JEFFREY KINCAID, THOMAS H. CHINNOCK, MICHAEL LOMBARDELLI, JOHN NIGH, AND MICHAEL PETERS v. DEFENDANT/COUNTERCLAIMANT: ROBERT W. NOFFSINGER III	District Court, Weld County	Banking Standards and Practices	Coan, Payton & Payne		Plaintiff	Y		
2017	In Re: Delta Petroleum		Damages		Haddon, Morgan & Forman, P.C.	Defendant			
2017	HENLEY LLC, d/b/a Henley Vaporium LLC, a Colorado limited liability company, PETER DENHOLTZ, an individual and JONATHAN DENHOLTZ, an individual v. ROBERT EISENBERG, an individual and TALIA EISENBERG, an individual	In a Matter of Binding Arbitration	Forensic Accounting and Damages	Rich Michaelson Magaliff Moser, LLP		Plaintiff	Y		
2017	EDWARD B. CORDES, solely in his capacity as the court appointed receiver in the District Court of Hamilton County Kansas, Case No. 10-CV-7 v. UNITED STATES OF AMERICA	United States District Court for the District of Colorado	Banking Standards and Practices, Damages	Snell & Wilmer, Denver, CO		Plaintiff	Y	Y	
2017	Credit Union in Colorado		Forensic Accounting				Y		
2017	IN THE MATTER OF JOSHUA ROBERT PARADISO and NICHOLAS CHARLES PARADISO, Protected Persons	District Court, Las Animas County, CO	Forensic Accounting and Damages			District Court	Y		Y
2017	IN THE MATTER OF THE TRUST CREATED BY JOHN B. VILLANO, SETTLOR	Jefferson County District Court	Forensic Accounting and Damages			Public Administrator & Successor Trustee Virginia Frazer-Abel	Y		
2018	ELITE NEUROMONITORING, LLC, a Colorado Limited Liability Company v. ASCENT MEDICAL, LLC, a Colorado Limited Liability Company; JILLIAN CONDER, an individual, and; THOMAS RUBINSON, an individual	District Court, Arapahoe County, Colorado	Damages	Baird Quinn, LLC		Defendants	Y		
2017	NBH CAPITAL FINANCE, A DIVISION OF NBH BANK, N.A. v. TIMOTHY A. LUCAS AND J.T. SUSSMAN	Unites States District Court for the District of Colorado	Damages and forensic accounting	Markus Williams Young & Zimmerman, LLC		Plaintiff	Y		Y
2017	PEOPLE v. JERRALD GREEN	District Court, City and County of Denver	Forensic Accounting and Financial Analysis		Law Offices of Elizabeth Espinoza Krupa, LLC	Defendant	Y		
2017	WOOD GROUP PSN, INC v. BRANDON STEPHENS, STUART GOBLE, and STC ENTERPRISES, LLC	Unites States District Court for the District of Colorado	Forensic Accounting and Damages	N. Reid Neureiter, Wheeler Trigg O'Donnell, LLP		Plaintiff	Y		
2017	THE PEOPLE OF THE STATE OF COLORADO, Complainant, v. RICHARD D. GARCIA, Respondent	Supreme Court, State of Colorado	Financial Monitoring			Office of Attorney Regulation	Y		
2017	Kush Gardens, LLC		Financial and Forensic Analysis	The Feder Law Firm			Y		Y
2017	Bank of the West		Account/Financial Analysis				Y		
2017	Town of Parker, Colorado and Parker Lincoln Retail, LLC, v. 19201 E. Lincoln, LLC; and Accelerated Services, LLC; and 19185 E. Lincoln Ave., LLC: A and A Quality Appliance, Inc. d/b/a Appliance Factory Outlet Inc.; and, Car Parker Land L.L.C.	Douglas County District Court 18 th JD	Damages		Fox Rothchild, Christopher Dawes, Esq.	Defendant	Y		
2017	Member, Special Litigation Committee for Buffalo Resources, LLC	District Court, Morgan County, CO	Financial and Forensic Analysis				Y		
2017	McWHINNEY HOLDING COMPANY, LLLP, a Colorado Limited Liability Limited Partnership; McWHINNEY CENTERRA LIFESTYLE CENTER, LLC, a Colorado Limited Liability Company, derivatively on behalf of CENTERRA LIFESTYLE CENTER, LLC, a nominal defendant, v. POAG & MCEWEN LIFESTYLE CENTERS - CENTERRA, LLC, a Delaware Limited Liability Company; POAG & MCEWEN LIFESTYLE CENTERS, LLC, a Delaware Limited Liability Company; POAG LIFESTYLE CENTERS, LLC, a Delaware Limited Liability Company; and DOES 1 through 50, inclusive, and Nominal Defendant: CENTERRA LIFESTYLE CENTER, LLC, a Delaware Limited Liability Company	District Court, Larimer County, State of Colorado	Lending Standards and Practices		Otis, Bedingfield & Peters, LLC	Defendant	Y	Y	Y
2017	LINKERS PRODUCTS CORP., Plaintiff/Counterclaim Defendant v. (Lead Case) CANARY LLC, Defendant/Counterclaimant TIGER VALVE COMPANY, LLC, Plaintiff/Counterclaim Defendant v. (Consolidated with Lead Case) CANARY LLC, Defendant/Counterclaimant.	Unites States District Court for the Southern District of Texas, Houston Division	Damages		Lambourn Law Firm, PLLC	Defendant / Counterclaimant	Y	Y	

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2017	THE DEPENDABLE CORPORATION, a Colorado corporation v. BUILDERS INSURANCE GROUP, INC., a Georgia corporation; WESTERN PACIFIC INSURANCE NETWORK, INC., a Colorado corporation; DAY LARSEN PEDERSEN INSURANCE, INC. a Colorado corporation; ALEX PEDERSEN, an individual; and ADRIAN NEACSU, an individual	District Court, County of Adams	Financial analysis and Damages		Holland & Knight, LLP	Various	Y		Y
2017	A Colorado Financial Institution		Forensic Analysis				Y		
2017	A Colorado Petroleum Operations company		Financial Analysis				Y		
2016	NMREA AFC 1, LLC, a New Mexico Limited Liability Company, et al. v. THE FIRST NATIONAL BANK OF SANTA FE, and NATIONAL LOAN ACQUISITIONS COMPANY	State of New Mexico, County of Bernalillo, Second Judicial District Court	Banking Standards and Practices, Lending	Atkinson, Thal & Baker, P.C.		Plaintiff			
2016	AMERIGAS PROPANE, INC. v. THOMAS MCBRAYER, an individual, and ROARING FORK VALLEY CO-OP ASSOCIATION, a Colorado Corporation	Unites States District Court	Damages	Reed Smith & Hall & Evans		Plaintiff			
2016	VIRTELLA TECHNOLOGY SERVICES INCORPORATED, a Delaware corporation v. ANDREW FUNK	District Court, City and County of Denver, Colorado	Damages, financial analysis	Various	The Feder Law Firm	Defendant			
2016	Appointed as "Independent Auditor" by parties in Partnership Dispute	District Court, Weld County, Colorado	Forensic Accounting & Financial Analysis.			Court	Y		
2016	Forensic Accounting and Fraud Investigation for an Oil & Gas related Company		Forensic accounting and Fraud Investigation			Alleged Victim	Y		
2016	Copper Hound Coffee Co., LLC v. Lawrence T. Chavez a/k/a Larry Chavez and South Target Village Center, LLC,	District Court, City and County of Denver, Colorado	Damages		Dagner, Schluter, Mitzner, Werber, LLC	Defendant	Y		
2016	TRAJAN ASSETS IV, LTD., a Colorado LLC v. BRENT C. SYNDER, CHAD I. RENNAKER, AND PACIFCAP PROPERTIES GROUP, LLC, an Oregon LLC	District Court, City and County of Denver, Colorado	Bank Lending Standards and Practices	Allen & Vellone	Wheeler Trigg & O'Donnell, LLP	Defendant	Y		
2016	State Central Bank v. John F. Berzanskis	District Court, Lee County, Iowa	Bank Lending Standards and Practices	Simmons Perrine Moyer Bergman PLC, Cedar Rapids, IA	Meardon, Sueppel & Downer P.L.C., Iowa City, IA	Defendant	Draft		
2016	Forensic Accounting and Fraud Investigation for an Insurance Company with headquarters in Denver, Colorado		Forensic accounting and Fraud Investigation			Alleged Victim	Y		
2016	The People of Colorado vs TAUFEN, CURT RONALD	DISTRICT COURT, SUMMIT COUNTY, COLORADO	Forensic Accounting and Financial Statement Analysis	DISTRICT COURT, SUMMIT COUNTY, COLORADO	N/A	Plaintiff	Y		
2016	IN THE MATTER OF THE ESTATE OF JULIA ANN TYLER, also known as JULIA M. TYLER, NANCY TYLER, NANCY McMAHON EDWARDS, JULIA ANN McMAHON AND NANCY McMAHON, Deceased	Probate Court, City and County of Denver	Forensic Accounting Review and Analysis	Chayet & Danzo	Various	Estate	Y		
2015	CGC HOLDING COMPANY, LLC, a Colorado limited liability company; HARLEM ALGONQUIN LLC, an Illinois limited liability company; and JAMES T. MEDICK; on behalf of themselves and all others similarly situated, Plaintiffs, v. SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham; et al., Defendants.	United State District Court, District of Colorado	Damages, Forensic accounting, Lending Practices	Wilentz, Goldman & Spitzer, P.A. and Shepherd, Finkelman, Miller & Shaw, LLP	Various	Plaintiff	Y		Y
2015	IN THE MATTER OF THE ESTATE OF JAMES J. SHEERAN, Deceased	Superior Court of New Jersey, Mercer County, Chancery Division, Probate Part	Forensic Accounting, Damages	Opes Law, Boulder, Colorado		Beneficiary	Y	Y	
2015	Forensic Accounting and Fraud Investigation for bank in Texas	Forensic accounting and Fraud Investigation					Y		
2015	LYLE BYRUM v. WELLS FARGO BANK, National Association, a national banking firm	DISTRICT COURT, EAGLE COUNTY, COLORADO	Bank Lending Standards and Practices	Snell & Wilmer, Denver, CO		Plaintiff	Y		
2015	BALL FOUR, INC., PLAINTIFF, v. FB ACQUISITION PROPERTY I, LLC, AS SUCCESSOR IN INTEREST TO 2011-SIP-1 CRE/CADC VENTURE, LLC AS SUCCESSOR IN INTEREST TO FIRSTIER BANK, DEFENDANT	UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLORADO	Damages, Banks and lending standards	Allen & Vellone	Holland & Hart	Plaintiff	Y	Y	

Gary Schwartz
CV - As of September 21, 2021

Exhibit A

YEAR	CASE DESCRIPTION / CAPTION	JURISDICTION	SUBJECT	PLAINTIFF LAW FIRM / LAWYER	DEFENDANT LAW FIRM / LAWYER	CLIENT	REPORT	DEPOSITION TESTIMONY	TRIAL TESTIMONY
2015	CHARLES SCHWAB BANK, N.A., Plaintiff v. RICHARD J. SINGER, DANIEL CONROY, et. al., Defendants v. RICHARD J. SINGER, DANIEL CONROY, et al., Counter-Plaintiffs, v. CHARLES SCHWAB BANK, N.A., TRG OASIS (TOWER TWO), LTD., TRG OASIS (TOWER II), LLC, THE RELATED GROUP, RELATED FLORIDA, LLC, RELATED GENERAL OF FLORIDA, LLC, ACCURATE REALTY & APPRAISAL SERVICES, INC., TARA L. WING, KEVIN O'BRIEN AND BANK OF AMERICA, N.A., Counter-Defendants.	In the Circuit Court of the Twentieth Judicial Circuit in and For Lee County, Florida	Banking and Lending standards and practices, Damages	Greenstein & Associates, LLP, Richard Lubliner, Esq.		Plaintiff	Y	Y	
2015	State of Colorado, et al. v. The Castle Law Group, LLC; Absolute Posting & Process Services, LLC; RE Records Research, LLC, d/b/a Real Estate Records Research; Colorado American Title, LLC; Lawrence E. Castle; Caren A. Castle; Ryan J. O'Connell; and Kathleen A. Benton.	District Court, City and County of Denver, State of Colorado	Damages, financial and forensic analysis	State of Colorado, Attorney General's Office		Plaintiff	Y		
2015	Piper Billups and Chauncey Billups v. Haley Custom Homes, LLC a Colorado Limited Company and Daniel Haley Fuller	District Court, Arapahoe County, Colorado	Damages, financial and forensic analysis	Fox Rothchild, Patrick Casey, Esq.	Brownstein Hyatt Farber Schreck, LLP	Plaintiff	Y		
2015	Financial analysis and investigation, Garfield County.					Alleged Victim	Y		
2015	BRIAN GURINSKY, BOTH INDIVIDUALLY AND ON BEHALF OF THE INDIVIDUAL RETIREMENT ACCOUNT OF BRIAN GURINSKY v. SHAREHOLDERS SERVICE GROUP, INC. AND PERSHING, LLC.,	Arbitration Proceedings Before the Financial Industry Regulation Authority	Fraud, Banking standards and practices	Pendleton Wilson Hennessey & Crow P.C.	Various	Plaintiff			Y
2015	In Play Golf Memberships, LLC	n/a	Appointed as Financial Monitor for lender				Y		
2015	CHARLES SCHWAB BANK, N.A., Plaintiff v. RICHARD J. SINGER, DANIEL CONROY, et. al., Defendants v. RICHARD J. SINGER, DANIEL CONROY, et al., Counter-Plaintiffs, v. CHARLES SCHWAB BANK, N.A., TRG OASIS (TOWER TWO), LTD., TRG OASIS (TOWER II), LLC, THE RELATED GROUP, RELATED FLORIDA, LLC, RELATED GENERAL OF FLORIDA, LLC, ACCURATE REALTY & APPRAISAL SERVICES, INC., TARA L. WING, KEVIN O'BRIEN AND BANK OF AMERICA, N.A., Counter-Defendants	Circuit Court of the Twentieth Judicial Circuit in and Fort Lee County, Florida	Damages, banking standards and practices	Greenstein & Associates, LLP, Richard Lubliner, Esq.		Defendant	Y	Y	
2015	BRADLEY PARKER v. JAMES E. FLYNN and BRON TAPES HOLDING, INC., a Colorado corporation and Counter Claims	District Court, City and County of Denver	Damages, forensic analysis		Sherman & Howard, Tamir Goldstein, Esq.	Defendant	Y		
2015	CURTIS D. STEPAN and BROOTEN SERVICE, LLC v SANDER ORENT and ALPHA REHABILITATION, PLLC and ARBOR OCCUPATIONAL MEDICINE, PROFESSIONAL LLC, Case Number 2013CV31425	District Court, Boulder County, State of Colorado	Damages, financial analysis, forensic analysis		Jones & Keller, Daniel Wartell, Esq.	Defendant	Y	Y	Y
2015	FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OR UNITED WESTERN BANK, Plaintiff, v. CHARLES J. BERLING, JAMES H. BULLOCK, ANTHONY C. CODORI, BERNARD C. DARRÉ, GARY G. PETAK, WILLIAM D. SNIDER, CINDY J. STERETT, JOHNS S. UMBACH, AND SCOT T. WETZEL, CASE NO. 14-cv-00137-CMA-MJW	In The United States District Court District Of Colorado	Banking standards and practices, regulatory issues		Williams & Connolly, LLP, Ryan Scarborough	Defendant	Y	Y	
2015	RESON LEE WOODS and SHAUN K. WOODS, Plaintiffs, vs. THE FIRST NATIONAL BANK OF DURANGO, a chartered National Bank; TONY DIASIO, individually, and BANKNOTE CAPITAL CORPORATION, an Illinois Corporation, Defendants. Civil Action No. 11-CV-02676-WYD-CBS		Damages, banking standards and practices	David H. Wollins, P.C.		Plaintiff	Y		Y
2015	FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR SECURITY SAVINGS BANK, v. KELLY JONES, STEPHEN DERVENIS, and THOMAS PROCOPIO.	In the United States District Court, District of Nevada	Banking standards and practices, regulatory issues	Nossman, LLP	Williams & Connolly, LLP, Ryan Scarborough	Defendant	Y	Y	
2015	BRADLEY PHILLIPS, M.D., an individual, and PHILLIPS SURGICAL, P.C., a Colorado professional corporation, v. HCA-HEALTHONE, LLC d/b/a SWEDISH MEDICAL CENTER, a Colorado limited liability company, and DENETTA SUE SLOAN, M.D., in her individual capacity, re: damages.		Damages	The Feder Law Firm	Davis Graham & Stubbs	Defendant	Y	Y	
2015	THE CORNERSTONE LOT OWNERS GROUP, LLC, a Colorado Limited Liability Company and CORNERSTONE OWNERS ASSOCIATION, INC., a Colorado Corporation, Plaintiffs v. CSPE028, LLC et al., Defendants	District Court, Ouray County	Damages, financial analysis	Gregory, Golden & Landeryou, LLC, Daniel Gregory, Esq.		Plaintiff	Y		
2015	Financial and forensic Analysis and regulatory review of property management company.		Financial analysis and forensic accounting	Frascona, Joiner, Goodman and Greenstein, Jordan May, Esq.			Y		

Exhibit B

FACTS OR DATA CONSIDERED

1. Trustee's Third Amended Complaint filed May 19, 2021.
2. Memorandum Opinion and Order on Matrix Defendants' Motion to Dismiss: (A) Denying it as to Counts 1-3 & 6-7: (B) Granting it as to Count 4 (With Consent of Plaintiff): And (C) Granting Plaintiff 14 days' Leave to Amend as to Counts 8-10. filed May 5, 2021.
3. Caldwell and Partners, Inc. et al v. Matrix Trust Company Stipulations of Facts and Chronology.
4. Deposition transcript of Diane Hicks from July 16, 2019.
5. Deposition transcript of Diane Hicks from August 31, 2021.
6. Deposition transcript of Will Beutelschies from July 15, 2019.
7. Deposition transcript of Will Beutelschies from August 20, 2021.
8. Deposition transcript of Eric Schmitt from July 16, 2019.
9. Deposition transcript of Eric Schmitt from August 18, 2021.
10. Deposition transcript of Mary Mohr from September 22, 2021.
11. American Arbitration Association in the matter of Midlands Management v Matrix Trust Company hearing transcripts from August 5, 2019, August 6, 2019 and August 16, 2019.
12. Annual Custodial Financial Statements as of December 31, 2014; December 31, 2015; December 31, 2016; and October 27, 2017.
13. Documents provided by Counsel labeled Bates Nos. MTC_CALDWELL_004113-014, 004131-32, 004181-82, 005431-37, 005285-97, 005298-5203, 005375-70, 005728-39, 005956-64, 005444-49, 005277-84, 007330 -32, and 007338-40.
14. Documents provided by Counsel labeled Bates Nos. MATRIX_MBA_004330-35, 4471-4502, 00000011, 0000027-35, 00000040-47, 00000111-113, 0000260-63, 0004670, 0004676, 0006199, 0007451, 0007517, 0007562, and 0010578-680.
15. Native format Excel file named: A – MBA Disbursement Report – Sorted.
16. Native format Excel file named: C – All Other Victims Disbursement Report – Sorted and Highlighted.
17. PDF file named: F – Caldwell Custodial Account Agreement.

18. MBA financial statement provided by Vantage for the periods October 1, 2015 through December 31, 2015, and April 1, 2016 through June 30, 2016.
19. Demographic, historical and financial information on Matrix Trust Company available at <https://www.ffiec.gov/NPW>.